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12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 FDIC, as Receiver of Netbank, FSB,

Case No. 2:02-cv-01051-KJD-LRL

15 Plaintiff,

16 v.

17 Safeco Insurance Company of America,

**ORDER DENYING DEFENDANT'S**  
**MOTION FOR NEW TRIAL**

18 Defendants.

19  
20 Before the Court is Defendant Safeco Insurance Company of America's ("Safeco") Motion  
21 for New Trial Pursuant to Federal Rule of Civil Procedure 59(a) (ECF No. 278). Plaintiff FDIC, as  
22 Receiver for NetBank, filed a Memorandum of Law in Opposition to Safeco's Motion (ECF No.  
23 295), Safeco filed its Reply in Support of Its Motion (ECF No. 300), and oral argument took place  
24 on October 16, 2013. After careful consideration and a full review of the facts, arguments and  
25 relevant law in the papers filed in support of and in opposition to Safeco's Motion, and having  
26 considered the oral arguments of both parties, and for other good cause having been shown,  
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**IT IS HEREBY ORDERED** that, for the reasons put forth by Plaintiff FDIC in its Memorandum of Law in Opposition to Safeco's Motion and at oral argument, Safeco's Motion for New Trial shall be and is hereby **DENIED**.

Dated: October 28, 2013

Kent J. Dawson  
United States District Judge

